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**DECISION MEMO**  
***Pocket Gopher Baiting***  
**USDA Forest Service, Northern Region**  
**Palouse Ranger District**  
**Nez Perce – Clearwater National Forests**  
**Latah County, Idaho**

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**I. Decision**

I have decided to authorize the baiting of pocket gophers on the Palouse Ranger District at the locations identified as follows:

**Specific Stands, Acreage, and Legal Coordinates and Subwatersheds of Project Sites:**

Stand Number	Acres	Township	Range	Section	Subwatershed
28203032	16	40N	1W	24	East Fork Potlatch River
28203034	7	40N	1W	23	East Fork Potlatch River
27905067	11	41N	1W	2	West Fork Potlatch River-Potlatch River
27805073	13	42N	1W	29	West Fork Potlatch River-Potlatch River

**Background:** These recently harvested stands have been planted or will be planted with conifer seedlings. The need to suppress pocket gopher populations arises due to the seedling mortality the gophers cause by their predation on these young, succulent, nutritious nursery grown seedlings; the loss of reforestation investments; and, the potential failure to meet the National Forest Management Act (NFMA) requirement to adequately reforest within 5 years following final harvest.

**Narrative Summary:** Damage to conifer seedlings by pocket gophers is a major factor limiting reforestation success in the western United States. Pocket gophers can seriously affect conifer regeneration up to 10 years after planting. The most serious damage, however, occurs within the first, second or third years. Regeneration surveys have determined that stocking levels can be reduced by as much as 50 to 75 percent in stands with high levels of pocket gopher activity.

Gophers commonly injure seedlings by pruning the roots and by girdling or clipping the stems. When stems are 0.5 inches or less in size, gophers may pull planted seedlings into their tunnels from below, leaving little evidence of the tree's existence above ground. Root pruning in plantations may go unnoticed until the tops turn brown from summer drought or until normal appearing seedlings tip over at odd angles.

**Project Design Specifications/Equipment to be Used:** This proposal will suppress pocket gopher populations by hand placing poison bait underground on approximately

47 acres. The EPA approved rodenticide for treating pocket gophers below ground is 0.5 percent strychnine alkaloid treated steam-rolled oats (EPA Registration Number 56228-20). One teaspoon of the oat bait is deposited below ground directly into the gophers' burrows. Treatment application rates of 1/8<sup>th</sup> to 1 pound of bait per acre is usually adequate but may be increased up to 2 pounds per acre in heavily infested stands.

Experience and research have shown that below ground hand baiting is the safest, most effective and practical means of controlling damaging pocket gopher populations in the forest environment. Strychnine does not accumulate in living organisms and it breaks down rapidly in the environment, where it is subject to decomposition by micro-organisms into non-toxic chemical elements. Research suggests a half-life for the strychnine in the bait of from two weeks to one month. Strychnine treated bait begins to mold within 10 to 14 days under average soil moisture conditions and after that time period the bait becomes unpalatable to rodents.

The proposed gopher treatment will be performed by contract and the contractor must be licensed by the State of Idaho as a professional pesticide applicator. The grain bait will be kept in a well-marked locked container while not in use. Transferring bait to dispensing containers will be done over plastic sheets. Bait dispensers will have covers to prevent spillage.

There will be no ground disturbing activities with this proposed action. All units will be hand baited using a steel probe.

The grain is deposited in the underground burrows through a hole made in the top of the burrow and is immediately covered up. Treatment will be suspended when soils are wet or heavy rain is predicted. Gopher treatment will generally follow INFISH/PACFISH buffers of 50 to 300 feet but in no case will treatment be closer than 15 feet of any open water. To provide additional protection to listed anadromous and resident fish species and other aquatic-dependent resources in the Potlatch River drainage and North Fork Clearwater River drainage, no strychnine-laced oats will be applied within 25 feet of the stream banks, of any live water, within areas of saturated soils or during periods when heavy precipitation is forecast. No bait will be stored within 200 feet of any water source.

Treatments usually begin in early July when soil conditions are still moist but not saturated. Most contractors can treat between 50 – 100 acres per day depending on unit size and the amount of pocket gopher activity. The Forest has over 20 years of experience in treating for pocket gopher damage and no problems are anticipated with this project.

## **II. Rationale for Decision and Reasons for Categorically Excluding the Decision**

### **A. Category of Exclusion and Rationale for Using the Category**

Based on information in this document and the project record, I have determined that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that

it meets all the criteria outlined for 36 CFR 220.6(e)(6): *Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction.*

The rationale for my decision is based on: 1) the proposed action fully meeting the criteria for Categorical Exclusions, 2) the proposed action meeting the purpose and need, 3) the findings related to extraordinary circumstances, discussed below, 4) the project's consistency with laws and regulations, including the Forest Plan, 5) the on-the-ground review and discussion with District resource specialists, and 6) my review of the Biological Assessments (BA), Biological Evaluations (BE), and specialists' reports.

### **B. Finding No Extraordinary Circumstances**

Based on the findings for resource conditions described below, I have determined that no extraordinary circumstances are associated with my decision. Forest Service direction at 36 CFR 220.6(b) describes the resource conditions that should be considered in determining whether extraordinary circumstance related to the proposed action warrant further analysis and documentation in an EIS or EA.

Additionally, 36 CFR 220.6(b) States: "The mere presence of one of more of these resource conditions does not preclude use of a categorical exclusion. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist."

#### **1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat or Forest Service sensitive species:**

The Interdisciplinary Team (ID Team) Botanist, and Wildlife and Fisheries Biologists determined the proposed action will have no direct or indirect effect or impact on listed or sensitive plant, wildlife or fish species or habitat, and suitable habitat will not be altered because habitat is not present in the project area, habitat is present but the species do not occur in the project area or habitat is present and the species may occur but the project will not affect the habitat for the species, and therefore no incremental effects exist that will cause a cumulative effect, as documented in the Biological Assessments and Evaluations, and specialists' reports (see plant, wildlife, and fish sections of the project record).

#### **2. Floodplains, wetlands or municipal watersheds:** The Forest Hydrologist has determined:

*The project areas are not located within municipal watersheds, and no mapped wetlands exist within the project areas. The Project will not modify or occupy floodplains to an extent greater than already exists. The pond is entirely above the floodplain of WF Corral Creek. As such, there will be no adverse impacts to floodplains; thereby complying with EO 11988 and FSH 1909.15, Chapter 30.3.2.*

*The rodenticide will not be placed in or near streams. Small amounts will be placed by hand into gopher burrows. Placement will not occur within RHCAs and will not be*

*done during wet soil or weather conditions (further reducing the likelihood of delivery to watercourses). Also the proposed chemical has a short half-life (<30 days) in the soil.*

**3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas:**

The project areas are not located within congressionally designated wilderness areas, wilderness study areas or Wild and Scenic River corridors; therefore, no extraordinary circumstances were identified.

**4. Inventoried roadless areas or potential wilderness areas:**

The project is not located within any Clearwater Forest Plan Roadless areas or Idaho Roadless areas (36 CFR 294(c)) potential wilderness areas; therefore, no extraordinary circumstances were identified.

**5. Research Natural Areas:**

The project areas do not include land designated as a Research Natural Area; therefore, no extraordinary circumstances were identified.

**6. American Indians and Alaska native religious or cultural sites and**

**7. Archaeological sites, or historical properties or areas:** The Forest Archaeologist has determined:

*Per 36 CFR 800.3(a)(1) the above named project has no potential to cause effects on historic properties, assuming such properties were present. Therefore, the Forest Service has no further legal obligation concerning National Historic Preservation Act compliance.*

Additionally, the Nez Perce Tribal Government Liaison and the Nez Perce Tribe reviewed the projects and determined they will not affect Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights.

**8. Soils analysis:** The Forest Soil Scientist has determined: *Soil quality standards apply to lands where vegetation and water resource management are the principal objectives. There will be no ground disturbing activities with this proposed action. Any soil productivity impacts from this project are short-lived due to the short half-life on strychnine in soils (1 to 4 weeks).*

**III. Interested and Affected Agencies, Organizations, and Persons Contacted**

On February 3, 2014, the Nez Perce - Clearwater National Forests mailed letters providing information and seeking public comment to individuals, organizations, a variety of State and local agencies, and the Nez Perce and Coeur d'Alene tribes. Three individuals/agencies responded during the public comment period but only one had specific issues with the proposed project which are addressed as follows:

- **Idaho Conservation League:** *With regards to the Forestwide Gopher Control proposal, we question whether Category 5 covers gopher poisoning in regards to regeneration of an area to native tree species. We are concerned that the notice fails to indicate how long the project will be in effect. That is, will these 1,274 acres be subject to annual treatment, or is this a one-year authorization? While we appreciate that you will "follow INFISH/PACFISH buffers*

of 50 to 300 feet” it is unclear how a 15 buffer meets this? We are unfamiliar with applicable PACFISH buffers in the forest less than 75 ft (or ½ site potential tree height). Similarly, the project indicates that no oats will be applied within 25 feet of live water, stream banks, etc. While we appreciate the consideration of buffers to protect water quality, we urge the Forest to simply “avoid any poison within PACFISH buffers.”

Further, the scoping notice indicates that oats will not be applied in saturated soils or during periods when heavy precipitation is forecast. The Decision Memo should clarify when poison may be placed into saturated soils (i.e. how long until they are dry enough for application?) and what constitutes “heavy precipitation?”

We also request that you consider alternatives to poisoning and to limit the extent of any gopher baiting. We are concerned about effects to other species, including birds of prey, bears, and other predators. The scoping notice States that moldy strychnine coated oats become unpalatable to rodents and gophers after 10-14 days, yet neglects to identify whether other species may still find them palatable. Because of the potential expansion of grizzly bear populations into the Clearwater, the forest should consult with the Fish and Wildlife Service over the potential effects.

**Our response:** The proposed 47 acres identified for pocket gopher baiting will be eligible for treatment up to five years, 2014-2019. With regards to the following of INFISH/PACFISH buffers, there will be no bait applied within these. In General, we only apply bait within harvest unit boundaries where buffers have already been identified. The additional 15 foot buffer to standing water applies to standing water created by accumulation of precipitation or snow melt within a harvest unit that does not fall within INFISH/PACFISH buffers (i.e. a naturally or mechanically caused depression in the soil that was not present at the time of harvest and is less than 1 acre in size). Within the Potlatch and North Fork river drainages a 25 foot buffer will be applied to any live water and saturated soils that is outside of established INFISH/PACFISH buffers (i.e. natural seepage/spring).

We will take your thoughts into consideration on defining what constitutes heavy precipitation and when soils are dry enough to apply bait within the decision memo; in general, this is decided by the Contracting Officer’s Representative (COR) on the ground during the implementation phase.

Secondary hazards to predators that feed on gophers are greatly reduced due to their tendency to die underground. Most secondary losses are due to other burrowing animals intercepting baited tunnels and ingesting bait sets. Studies by the EPA and U.S. Fish and Wildlife Service of strychnine baiting for gopher control found very minor losses to other than the target species when bait was correctly placed. Your concern for potential expansion of grizzly bear populations within the Nez Perce-Clearwater National Forest is noted.

- **Rod Parks:** I support this project with only one suggested change. The labor costs for this project will be the largest expense to treat the 47 acres. Please consider using the higher rate of 2 pounds per acre for the entire 47 acres rather than a rate of 1 pound per acre in some areas. The cost of increasing the rate to 2 pounds per acres will be almost insignificant to the total cost of the project. This will increase the success of tree seedlings which is the entire purpose of this project.

**Our response:** For gopher bait application the unit of measure for pricing we go by is spacing between sets; which happens to be based on severity of the pocket gopher’s

*presence within a stand (data on pocket gopher-caused seedling mortality and number of active push piles within a stand is generally gathered during the conduction of stocking surveys). In areas of heavy gopher activity, the set spacing is 8', moderate activity is 10', and light is 12'. For example: X amount of acres @ 8' spacing will be one price (generally the highest price), X amount of acres @ 10' will be \$\_, and X amount of acres @ 12' will be \$\_ (generally the lowest price). The pounds per acre applied are dictated by a combination of set spacing and amount of recent gopher activity in a stand, rather than a flat rate of 1 or 2 pounds per acre. The stands proposed for treatment this year call for 10' and 12' spacing of sets.*

I considered their comments and, based on the analyses prepared by the resource specialists, I determined no significant issues concerning extraordinary circumstances, use of the 36 CFR 220.6(e)(9) category or Forest Plan compliance were raised. The letters are located in the project record.

#### IV. Findings Required by Other Laws

Based on my review of the actions associated with this project, I find that this project is consistent with applicable Federal laws and regulations.

**National Forest Management Act and Clearwater National Forest Plan:** This action is consistent with the Clearwater National Forest Plan (USDA Forest Service 1987b), as amended, as required by the National Forest Management Act of 1976 because it follows the standards and guidelines contained in those plans. In addition, the decision considers the best available science [36 CFR 219.35(a) (Reinstatement of the 2000 Planning Rule; 74 FR 242)].

**PACFISH Riparian Habitat Conservation Areas (RHCA's):** All activities associated with the proposed action comply with direction regarding PACFISH because no effects to wildlife or fish species or habitat are anticipated, and minimal soil disturbance will occur.

**Endangered Species Act:** A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act as documented in the Biological Assessments, Biological Evaluations, and specialists' reports, and determined the project is consistent with the Endangered Species Act because no effects to threatened and endangered species are anticipated.

**Clean Air Act:** This project will comply with the provisions of the Clean Air Act, and the rules, regulations, and permit procedures of the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ) because no effects to air quality are anticipated and no prescribed burning is planned.

**Clean Water Act and State Water Quality Laws:** The Interdisciplinary Team Hydrologist has determined that this project complies with the Clean Water Act, and state and Federal water quality laws because it will have no significant effect to the water quality of area or downstream waters.

**National Historic Preservation Act:** Because of the type of project and its locations, the Forest Cultural Resource Specialist has determined that it will have little likelihood to adversely affect cultural properties; therefore, this project meets the Agency's

responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

**Migratory Bird Treaty Act:** No substantial losses of migratory bird habitat is expected from the implementation of this proposal nor any measurable impact on neotropical migratory bird populations as a whole; therefore, the proposed action will comply with the Migratory Bird Treaty Act.

The project complies with the U.S. Fish and Wildlife Service Director's Order 131 related to the applicability of the Migratory Bird Treaty Act to Federal agencies and requirements for permits for "take." In addition, the project complies with Executive Order 13186 because the analysis meets Agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

**American Indian Treaty Rights:** The Nez Perce Tribal Government Liaison and the Nez Perce Tribe reviewed the project, and determined the proposed action will not affect Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights.

**Environmental Justice:** The proposed action will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities or civil rights of any American Citizen in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during scoping or the effects analysis.

**Prime Farm Land, Range Land, and Forest Land:** The proposed action complies with the Federal Regulations for prime land. The definition of "prime" forest land does not apply to lands within the National Forest System. The project areas do not contain any prime range land or farm land. Federal lands will be managed with appropriate sensitivity to the effects on adjacent lands.

**Energy Requirements:** No unusual energy demands are required to implement the proposed action.

**Other Laws or Requirements:** The proposed action is consistent with all other Federal, state or local laws or requirements for the protection of the environment and cultural resources.

## **V. Administrative Review and Appeal Opportunities, and Implementation Date**

This decision is no longer subject to appeal pursuant to the U.S. Court of Appeals for the Ninth Circuit Court Order, filed March 7, 2014, in Case No. 12-16206 (DC No. 1:11-cv-00679-LJO-DLB). The project may be implemented during the timeframe specified above.

## **VI. Contact Person**

Questions regarding this decision should be sent to Linda S. Helm, c/o Nez Perce – Clearwater National Forests' Supervisor's Office, 104 Airport Road, Grangeville, Idaho

83530 or by telephone at (208) 983-4285 or facsimile transmittal at (208) 983-4042, during business hours (M-F, excluding Federal holidays, 7:30 a.m. to 4:30 p.m. PST).

**VII. Signature of Deciding Officer**



GARY KEDISH  
Acting District Ranger  
Palouse Ranger District



Date

cc: Marc Valencia